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#9/B (UE)
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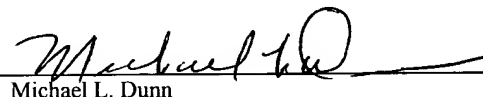
DVP:101 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rex Bunn, et al.
Serial No: 09/646,993
Filed: December 11, 2000
Examiner: T. Tran Lien
For: TRUSSING POULTRY

Art Unit: 1761
Confirmation No: 2586

I certify that this **Amendment** is being deposited on June 30, 2003 with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Michael L. Dunn

Registration No. 25,330

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please enter the enclosed substitute specification which does not include any new matter. The substitute specification is provided both in a clean format and a format showing changes. A new abstract is enclosed.

The foregoing amendments were not made earlier since the need for them was not recognized until the most recent official action.

The substitute specification and abstract were offered in a previous amendment but were not entered on formal grounds. The new specification is necessary to correct formalities, i.e. positioning and naming parts of the specification; incorporating a "Brief Description of the Invention" containing language parallel to original claim 1 and including language setting out the claim for priority.

The abstract is presented to meet the formal requirement for an abstract.

No new matter is added and no new issues are raised.

Claims 1-8 have been rejected under 35 U.S.C. 112 as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the invention at the time that the application was filed.

The Examiner is completely in error and the rejection should be withdrawn.

The Examiner states that "the limitation 'said truss being formed of an edible material that remains substantially intact during a cooking process' ... is not supported by the original disclosure. The specification does not disclose anything about the truss remaining substantially intact during the cooking process."

To the contrary, the specification contains repeated generic and specific support for the limitation.

The Examiner's attention is, for example, drawn to the following quotes from the original specification:

page 1, lines 18-20 say:

"It is an object of the present invention to provide an edible truss which may be applied by a semi-automated process to bind the legs of a bird together.";

page 2, lines 15-18 say:

"Advantageously, the truss is maintained in position and in close contact throughout its length with the moist surface of the bird. This prevents the truss from becoming dry and/or brittle during cooking.";

page 4, lines 25-28 say:

"The truss 10 is maintained throughout its length in close contact with the moist surface of the chicken 14. This prevents the truss 10 from becoming dry and brittle during cooking.";

please refer to Example 3;

and especially page 8, lines 14-16 say:

"Nineteen out of the twenty trusses were resistant to the high oven temperatures and remained intact throughout the cooking process."

The rejection should clearly be withdrawn.

Dated: June 30, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael L. Dunn", with a stylized flourish at the end.

Michael L. Dunn
Attorney for Applicant(s)
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Newfane, New York 14108
Telephone: (716) 433-1661

MLD/cah

cc: D. MacDougall



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AP 1761

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/646,993	
	Filing Date	12/11/2000	
	First Named Inventor	Rex Bunn	
	Art Unit	1761	
	Examiner Name	T. Tran Lien	
Total Number of Pages in This Submission	34	Attorney Docket Number	DVP:101 US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Dunn & Associates
Signature	<i>Michael L. Dunn</i>
Date	<i>June 30, '03</i>

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <i>June 30, 03</i>	
Typed or printed	Michael L. Dunn
Signature	<i>Michael L. Dunn</i>
Date	<i>June 30, '03</i>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	09/646,993
Filing Date	12/11/2000
First Named Inventor	Rex Bunn
Examiner Name	T. Tran Lien
Art Unit	1761
Attorney Docket No.	DVP:101 US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 04-1790

Deposit Account Name:

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: - 20** = X =

Independent Claims: - 3** = X =

Multiple Dependent: =

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Michael L. Dunn	Registration No. (Attorney/Agent)	25,330	Telephone	716-433-1661
Signature		Date	June 30, '03		

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